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5 Attorneys for Specially Appearing for

6 Third-Party Defendants, ASIA PACIFIC OIL &

GAS LTD., a Seychelles Islands entity,

7 AMIRZHAN JAKISHEV, and ADILZHAN DZHAKISHEV

8 UNITED STATES DISTRICT COURT

9 CENTRAL DISTRICT OF CALIFORNIA

10
11 KAZENERCOM TOO; ET AL.,

Plaintiffs,

v.

12
13 TURAN PETROLEUM, INC.; ET AL.,

Defendants.

14
15 TURAN PETROLEUM, INC.,

16 Defendant and Counterclaimant,

17 v.

18 YERKIN BEKTAYEV and KANET
MEIRMANOV,

19 Plaintiffs and Counterdefendant.

20 TURAN PETROLEUM, INC.,

21 Defendant and Third-Party Plaintiff,

22 v.

23 WELLS FARGO, N.A., YERKIN AKKUZOV,
SABIRGAN DUHALIEV, IGOR MAXIMOV,

24 Defendants in Third-Party Complaint.

25 YERKIN BEKTAYEV and KANET
26 MEIRMANOV,

27 Counterdefendants and Third-Party
28 Plaintiffs,

) CASE NO. 08:09cv00059-JVS

) Assigned for All Purposes to:

) Hon. James V. Selna

) Dept: 10C

) Date Action Filed: January 14, 2009

) Trial Date: None Set

) **DECLARATION OF JOHN R. FLOCKEN**
) **ESQ., IN SUPPORT OF THIRD-PARTY**
) **DEFENDANTS' MOTION TO DISMISS**
) **AMENDED THIRD-PARTY COMPLAINT**

) [Filed concurrently with: [Proposed] Order;
) Motion to Dismiss; Declarations of Adilzhan
) Dzhakishev and Amirzhan Jakishev]

) Hearing Date: April 30, 2012

) Time: 1:30 p.m.

) Courtroom: 10C

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DECLARATION OF JOHN R. FLOCKEN, ESQ. IN SUPPORT OF
MOTION TO DISMISS SECOND AMENDED THIRD-PARTY COMPLAINT

1 Dzhakishev, and Amirzhan Jakishev, I called John T. Schreiber, new counsel of record for
2 the Third Party Plaintiffs, Yerkin Bektayev and Kanet Meirmanov, in the above-entitled
3 action. I attempted to call Mr. Schreiber on March 30, 2012, but no one answered his
4 phone. At approximately 10:30 am on April 2, 2012 I called Mr. Schreiber again to discuss
5 the present motion to dismiss the Second Amended Third Party Complaint. He was not in,
6 and I left a message with his answering machine to please call me regarding this matter
7 as soon as possible. At approximately 1:20 pm I called again and left another message
8 to please call me regarding the present motion to dismiss. To date, has not returned my
9 messages to please call me regarding this case. To date, Mr. Schreiber has not returned
10 my phone calls.

11
12
13 4. The Third Party Plaintiffs former counsel, Ms. Sorkin, did not affect proper service
14 of the original verified Third Party Complaint after our original Conference of Counsel.
15 Further, to date, neither myself nor my clients are aware of any attempts by either Ms.
16 Sorkin or the third party plaintiff's new attorney, John T. Schreiber, to correct the deficient
17 service on my clients by employing one of the methods authorized by Fed.R.Civ.P. 4(f).
18 The only attempt to "serve" the present Verified Second Amended Third Party Complaint
19 was by ordinary mail on my office only. My clients have not received these pleadings (i.e.
20 either the original verified Third Party Complaint, or the Second Amended Third Party
21 Complaint) by personal service of process or any of the other methods authorized by
22 Fed.R.Civ.P. 4(f) for proper service of process.

23
24 I declare under penalty of perjury under the laws of the State of California and the United
25 States of America that the foregoing is true and correct, and that this Declaration was executed on
26 this 2nd day of April, 2012, at Santa Ana, California.

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John R. Flocken